

CIVIL DOCKET

DAUGHERTY

69-C-1

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
Malt-A-Plenty, Inc. vs New York Life Insurance Company		For plaintiff: D. E. Hammer <i>597-545</i> Boesche, McDermott & Eskridge 1300 National Bank of Tulsa Bldg. Tulsa, Oklahoma 74103 For defendant: <i>582-9201</i> Gable, Gotwals, Hays, Rubin & Fox 2010 4th Natl Bk. Building Tulsa, Oklahoma 74119					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>2-1-69</i>	Clerk	1-9-69	Boesche, etc.	15 00			
		1-17-69	C/D 31		15 00		
J.S. 6 mailed <i>5-1-70</i>	Marshal						
Basis of Action: Suit to recover on group ins. policy	Docket fee						
	Witness fees						
Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-9-69	Complaint, filed. Summons issued. m	
1-23-69	Summons returned, filed - served New York Life Insurance Company by serving Joe B. Hunt, Oklahoma State Insurance Commissioner and paying him \$3.00, at Oklahoma City, Okla., on Jan. 13, 1969. Fee \$4.74+3.)b	
2-3-69	Order granting defendant 15 days from date within which to plead or answer, filed. (Fred Daugherty - Judge) b	
2-18-69	Answer filed by defendant. h	
2-27-69	Defendant's interrogatories to plaintiff, filed. m	
3-24-69	Case set for pre-trial hearing on Tuesday 4-8-69 at 10:15 a.m. (FD-J)m	
3-28-69	Plaintiff's Answers to Defendant's Interrogatories, filed. e	
4-8-69	Partial pre-trial hearing held, defendant granted permission to file an amended answer. Case to be set for further pre-trial. (Fred Daugherty - Judge) b	
7-1-69	Notice of taking deposition of James T. Johnson, filed. m	
7-11-69	Case set for pretrial on August 4, 1969 at 1:00 P.M. (FD-J)g	
7-15-69	Amendment To Answer, by deft. filed. js	
7-15-69	Stipulation, filed. js	
7-15-69	Motion For Summary Judgment, by deft. filed. js	
7-15-69	Brief in Support of Motion for Summary Judgment, filed. js	
7-16-69	Ordered by the Court that the plaintiff respond, with supporting brief, to the defendant's motion for summary judgment, within 15 days. (Fred Daugherty - Judge) b	
7-22-69	Ordered by the Court that this case is stricken from the pre-trial assignment of August 4, 1969 by agreement of counsel. (Fred Daugherty - Judge) b	
7-23-69	Deposition, of Gene M. Oliver, on behalf of the deft. filed. (\$47.00). js	
7-31-69	Exhibits to deposition of Gene M. Oliver, taken on behalf of defendant, on 7-8-69, before Frank L. Peterson, CSR, filed. ds	
7-31-69	Deposition of James T. Johnson, on behalf of plaintiff, taken before Frank L. Peterson, CSR, on 7-8-69, filed. ds (\$57.00 pd by plaintiff)	
8-7-69	Brief In Opposition to Motion For Summary Judgment, by plaintiff, filed. js	
11-20-69	Letter dated 11-17-69 from D.E.Hammer to Judge Daugherty in re fraud in the case, filed. m	
11-20-69	Letter dated 11-18-69 from G. Ellis Gable to Judge Daugherty in re fraud in the case, filed. m	
11-20-69	Letter dated 11-19-69 from Judge Daugherty to D. E. Hammer with copy to G. Ellis Gable, directing pltf. to inform the Court whether it intends to rely on fraud or misrepresentation of deft. as a bar to the defense of account stated, & if so to file with Court particulars within 10 days, filed. (FD-J)m	
12-11-69	Minute Order: Court orders that this case is set for Oral Arguments on Defendant's motion for Summary Judgment on Tuesday, December 16, 1969 at 1:30 P.M. (Fred Daugherty-Judge)h	
12-11-69	Minute Order: Court orders that case stricken from above setting. (AEB-J)h	
1-8-70	Minute Order: Case set for pre-trial hearing on Wed. 1-28-70 at 1:30pm. (FD-J)h oral argument on motion for S/J on	
1-28-70	Oral arguments made on defendant's motion for summary judgment held and motion taken under advisement. (Fred Daugherty - Judge) b	
2-3-70	Memorandum of defendant to brief of plaintiff in opposition to motion for summary judgment, filed. b	
2-3-70	Order filed, that the Defendant's motion for Summary Judgment is overruled. (Fred Daugherty - Judge) b copies mailed.	
3-16-70	Ordered by the Court that this case is set for pre-trial on Tuesday, March 24, 1970 at 2:15 P. M. (Fred Daugherty - Judge) b	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-24-70	Case called for pre-trial, plaintiff states that case may be dismissed with prejudice at the cost of the parties. Plaintiff directed to prepare order. (Fred Daugherty - Judge) b	
4-6-70	Order of dismissal with prejudice, filed and entered. Fred Daugherty-Judge) copies mailed to counsel of record. b	

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